



ACTON PLANNING BOARD

Minutes of Meeting November 28, 2006 Acton Public Safety Facility Building

Planning Board members Mr. Greg Niemyski (Chairman), Mr. Christopher Schaffner (Vice Chair), Mr. Edmund Starzec (Clerk), Ms. Ruth Martin, Mr. Michael Densen, Mr. Bruce Reichlen and Mr. Alan Mertz attended. Also present were Town Planner, Mr. Roland Bartl and Secretary, Ms. Kim DeNigro.

Mr. Niemyski called the meeting to order at 7:30 PM.

I. Citizens Concerns

None raised.

II. Consent Agenda

Item A, Minutes of 10/10/06, Item B, Bond Release for QRCC, and Item C, 215 Newtown Road (Chapter 61A Notice) passed by unanimous vote.

III. Reports

CPC: Ed Starzec reported they are in the early stages of reviewing the CPA applications. Mr. Starzec reported that 13 CPA project applications were submitted for funding and that project requests substantially exceed available funds.

WRAC: Mr. Schaffner stated there will be a meeting on 12/13/06 at the A/B High School and they will discuss their subcommittees and the early stages of capacity of sewers.

PIB Membership: Mr. Bartl reported that the Board of Selectmen has appointed Mr. Alan Mertz as full member of the Planning Board. Mr. Mertz needs to be sworn on by the Town Clerk.

IV. 164 Newtown Rd – Omnipoint Wireless Comm. Fac. Application SP – Public Hearing & Vote to Continuation

Mr. Niemyski opened the public hearing at 7:45 PM and the motion was made to continue the public hearing on January 23, 2007 at 7:45 PM in the Acton Memorial Library. The Planning Board voted all in favor.

V. Comments for ZBA – Madison Place 737-741 Great Road

Board members reviewed the draft memo to the Board of Appeals. Mr. Starzec moved to accept the memo as drafted and forward it, 2nd, all in favor.

VI. Executive Session

Mr. Niemyski moved at approximately 8:10 PM that the Planning Board enter Executive Session for purposes of discussing ongoing litigation and related matters. The Board then voted by unanimous voice vote to move into Executive Session. Mr. Niemyski had asked citizens in the audience to step out of the meeting room for the duration of Executive Session. The Board re-entered open session about 10 minutes later, and then went into a recess until the next scheduled appointment.

VII. 820 Main Street – Verizon Wireless Comm. Facility Application SP - Continuation

Mr. Niemyski opened the public hearing at 8:30 and appointed Mr. Mertz to sit as a full Board member for the purpose of this matter. Mr. Bruce Reichlen recused himself due to being a close abutter to the property. Mr. Niemyski disclosed he, too, is a nearby resident, but he has disclosed the matter to the Board of Selectmen, who have agreed with him that he can sit on the Board and act on the matter in a judicious and impartial manner. Mr. James Valeriani, Attorney at Law, representative for the applicant; Mr. Michael Creamer, engineer for Verizon Communications; Mr. David Velez, real

estate group advisor for Verizon Communications and Mr. David Maxson from Broadcast Signal Lab, LLC (town consultant) were present.

Mr. Valeriani reviewed and explained the application of the special permit to allow the installation of a new wireless communications facility. The applicant is requesting a special permit to construct a 120' high wireless communications facility, which would replace an existing 120' high lattice tower on-site. The existing tower is currently used by Capizzi Landscaping for radio communications. The new 120' monopole type tower facility would be placed in the rear of the property (in a different location than the existing radio tower) and would be designed to accommodate four wireless carriers at ten-foot height increments and several whip-type antennas. The wireless communications facility accessory equipment will be placed inside a small leased 40 x 60 fenced compound, which would include an above-ground 500 gallon propane tank to fuel the auxiliary generator. Mr. Valeriani stated that this facility would not be proposed if his client were able to upgrade their existing equipment at 982 Main Street. However, there are issues with the landowner in this regard. Mr. Craemer explained the carriers phase development and that there is an area where cell phone coverage is needed to help close a gap in coverage. Mr. Craemer explained and showed a map of coverage gaps without the facility in North Acton.

Mr. Maxson of Broadcast Signal Lab explained he has been hired by the Town (and paid for by the applicant) to provide technical/expert review of the proposal to the Planning Board. Mr. Maxson explained the wireless communication regulations and potential impacts of the proposal, asked questions and made recommendation:

- Has the applicant considered other locations, especially the existing towers at Post Office Square, where there are vacancies.
- Has the applicant negotiated directly with the landowner at 982 Main Street?
- The applicant should define the surrounding tree height and model the coverage area for a transmission array at a height of 90 feet. Conversely, what would the coverage area look like for an array at the full extended tower height of 175 feet, which is the bylaw maximum.
- The Board may consider the applicants offer for an expandable structure.
- He advised the Board that it may be prudent to obtain a legal opinion if data messaging is a covered item under the Federal Telecommunications Act, since the purported need for the proposed facility seems arise from an inability to upgrade equipment at an existing nearby tower.
- Is the problem to upgrade the existing site a violation of the special permit there?

The Planning Board questions and concerns included:

- Are there better locations?
- Will the access road be paved?
- At what height would there be an issue with ground object interference?
- What coverage expectation and capacity is there?
- What other wireless carriers are interested?
- Is there room for expansion?

Abutters in attendance raised questions and concerns regarding:

- Visibility of the monopole.
- Has the town been approached regarding placing the tower on town land?
- Will the cell tower interfere with electronics inside abutter's homes?
- Safety of children.
- Potential noise from the monopole.
- Any clearing of trees?
- Could a house be expanded within the buffer zone?
- Home values if the tower is constructed?
- Health effects from the tower?
- What is the legal status of the existing radio tower.
- There is an alleged residence on abutting land.

- Request for an opaque fence towards the abutter's land.

The Board directed the applicant to provide plan revisions to the staff to address outstanding concerns and provide answers to the questions asked. The motion was made to continue the public hearing on January 9, 2007 at 8:00 PM. The motion passed unanimously. The Applicant signed a continuation agreement that also extends the decision deadline to January 31, 2007.

VIII. Oversight Meeting with the Board of Selectmen

Mr. Niemyski stated he would attend the oversight meeting on 12/18/06 at 8:00PM. Most other Board members signaled their availability. This to discuss: Master Plan, cell tower issues, green building designs.

Mr. Reichlen moved to close the meeting, Mr. Starzec 2nd; all voted in favor.

The meeting adjourned at 10:40 PM.